HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7799 of 2007

Dated:17.04.2007

Between:

P.Ram Reddy.

…Petitioner

and

District Collector, Krishna District, and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7799 of 2007

ORDER:

The petitioner is owner of land admeasuring Ac.0.27 cents in R.S.Nos.18/8b and 18/9 situated at Vidyadharapuram, Vijayawada. He statedly obtained the title and ownership rights by virtue of a registered sale deed executed by the Court of the I Additional Senior Civil Judge, Vijayawada, in E.P.No.131 of 2005 in O.S.No.311 of 1994. In his affidavit, he also gave details of this property, reference to which, however, is not necessary. The petitioner approached the Mandal Revenue Officer (MRO), second respondent herein, on 03.02.2007, requesting to fix the boundaries of the said site. Alleging that no action has been initiated, the present Writ Petition is filed.

The petitioner obtained the sale deed from the civil Court, which in all probability contains the boundaries. If that be so, it is always open to the petitioner to approach the same executing Court to decide the boundaries and seek a direction to fix the boundaries for public authorities. Secondly, the petitioner approached the MRO only on 03.02.2007. This Court in **Mir Fazle Ali Nasiri v. State of A.P. and others**[1] has considered the question as to whether this Court fixed the time schedule for public authority. Unless and until the inaction is so arbitrary, no such direction can be issued in exercise of jurisdiction under Article 226 of the Constitution of India. In the above case, it was held at paragraph 10 as under.

> That being the legal position, the time limit within which a statutory authority should act or due to act not being mandatory, it would be impermissible for this Court in every case to issue a direction as a matter of course to public authorities to dispose of application/appeal/revision, within a specified time. It can always be argued that, such a direction would amount to introducing a requirement in the statute,

which the legislature itself did not provide for. Therefore, this Court is of considered opinion that as and when such a writ petition is filed seeking a direction – seemingly innocuous – to dispose of the matter expeditiously, such a direction cannot ordinarily be given unless, of course, there is inordinate delay in discharging public duties which itself amount to arbitrariness.

Following the same, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

17.04.2007
GJ

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[1] 2007 (2) ALD 3